

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION, CLEVELAND

In re:)	Chapter 13
)	
Timothy J. Patete,)	Case No. 13-13806
)	
Debtor.)	JUDGE: Jessica Price Smith
)	

DEBTOR'S THIRD MOTION TO MODIFY CHAPTER 13 PLAN [with notice of withdrawal of second motion to modify]

The debtor, by and through counsel and pursuant to 11 U.S.C. §1323(a), moves this Court for an order modifying his chapter 13 plan to provide that, 1) funding be increased to \$2,450.00 per month; 2) Article 3A of the plan be modified to provide for an arrearage to CitiMortgage on the Plains Rd. property in the amount of \$19,370.40; 3) the monthly payment amount for the priority claim of the Ohio Department of Taxation in Article 6 of the plan be reduced to \$195.89; 4) the monthly payment amount for the priority claim of the City of Mentor in Article 6 of the plan be reduced to \$116.00; 5) the monthly payment amount for the priority claim of R.I.T.A. in Article 6 of the plan be reduced to \$43.33; and 6) Article 11 of the plan be modified to include the following provisions:

“Citimortgage to be paid directly outside of plan or surrendered. The mortgage claim of CitiMortgage for the rental property in Mayville, NY will be paid by the debtors directly outside of the plan. The debtors applied for a loan modification to resolve the current arrearage, which application is currently pending approval of CitiMortgage. If the loan modification does not resolve the mortgage arrearage for this loan, then the property will be surrendered to CitiMortgage and any other secured lender.”

“Statutory liens of the OH Dept. of Tax. The statutory liens of the OH Dept. of Tax. are unsecured but cannot be voided. They purport to secure the priority tax obligation set forth in

Article 6 of the plan and the underlying claim will be paid in accordance with that provision.”

A copy of the plan as modified is attached hereto and incorporated herein.

Respectfully submitted,

/s/ Richard H. Nemeth
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CERTIFICATE OF SERVICE

I certify that on November 20, 2013, a true and correct copy of the foregoing was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Craig Shopneck, Chapter 13 trustee, at ch13shopneck@ch13cleve.com

And by regular U.S. mail, postage prepaid, on:

Timothy J. Patete, 8182 Plains Road Mentor, OH 44060

A.C.E. Recovery PO Box 129 Grand River, OH 44045	The Lakes, NV 88901
American General Finance PO Box 3121 Evansville, IN 47731	Citimortgage Inc. PO Box 660065 Dallas, TX 75266
AmeriCredit Attn: Alice Whitten, Esq. PO Box 183853 Arlington, TX 76096	City of Mayville - Electric Dept. 3 S. Erie St. PO Box 188 Mayville, NY 14757
Apple Heating Cooling PO Box 69 Ashtabula, OH 44005	City of Mentor Income Tax Division 8500 Civic Center Blvd. Mentor, OH 44060
Aqua Ohio, Inc. Lake Erie West District PO Box 238 Struthers, OH 44471	Credit Management, Inc. 4200 International Parkway Carrollton, TX 75007
AT&T Universe Cable PO Box 5014 Carol Stream, IL 60197	Direct TV PO Box 78626 Phoenix, AZ 85062
Checks Unlimited PO Box 17400 Colorado Springs, CO 80935	Director of Finance 1 N. Erie Street Mayville, NY 14757
Citifinancial PO Box 6931	Dominion East Ohio Gas Co. Attn: Bankruptcy Group PO Box 26666 Richmond, VA 23261

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